

The Honorable Richard A. Jones
The Honorable James P. Donohue

KYLE LYDELL CANTY,)	
)	
)	No. 2:16-cv-01655-RAJ-JPD
Plaintiff,)	
)	MOTION TO SEAL
vs.)	DOCUMENTS
)	
CITY OF SEATTLE, et. al.,)	
)	NOTE ON MOTION CALENDAR
Defendants.)	September 1, 2017
)	

I. RELIEF REQUESTED

Defendants King County, Gail Bonicalzi, and Melinda Hasegawa (King County Defendants) hereby request to file the Declaration of Designated Mental Health Professional (DMHP) Melinda Hasegawa and Exhibit under seal. The Court should allow these materials to be filed under seal pursuant to RCW 70.02.230 (confidentiality of mental health services) and LCR 5(g). A proposed order is attached.

II. FACTS RELEVANT TO MOTION AND EVIDENCE RELIED UPON

Mental health records are confidential pursuant to RCW 70.02.230. Documents generated in connection with the Involuntary Treatment Act (ITA), RCW Ch. 71.05, are also confidential.

Counsel for King County Defendants has conferred with counsel for the City of Seattle Defendants who have no objection regarding the motion to seal. *Second Declaration of*

1 *Samantha Kanner*, ¶4. Counsel for King County Defendants attempted to confer with Plaintiff
2 pursuant to LCR 5(g) by sending Plaintiff a letter on August 16, 2017 requesting a call to
3 confer about the motion to seal and asking for updated contact information upon Plaintiff's
4 release from prison. *Id.* at ¶7. As of this date, undersigned counsel has not been able to
5 conference with Plaintiff. *Id.*

6 This motion relies upon the records and pleadings filed in this matter and the Second
7 Declaration of Samantha Kanner.

8 III. ISSUES PRESENTED

9 Whether the Court should allow the filing of a redacted version of the Declaration of
10 Melinda Hasegawa along with sealed filings of the unredacted versions of the Declaration of
11 Melinda Hasegawa and Exhibit 1 to the declaration?

12 IV. AUTHORITY

13 King County Defendants are submitting this motion pursuant to LCR 5. Because this
14 lawsuit involves mental health proceedings under the ITA, Washington statutes provide that
15 records related to those proceedings are generally confidential. In order to balance the need
16 for confidentiality with the need for open court records, King County Defendants are seeking
17 to seal only those records dealing with Mr. Canty's hospitalization under the ITA.

18 V. CONCLUSION

19 For the foregoing reasons, the Court should allow unredacted copies of the declaration
20 of Melinda Hasegawa and Exhibit 1 to be filed under seal.

21
22 DATED this 18th day of August, 2017.

23 DANIEL T. SATTERBERG
King County Prosecuting Attorney

By: /s/ Samantha D. Kanner
SAMANTHA D. KANNER, WSBA #36943
Senior Deputy Prosecuting Attorney
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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 18, 2017, I electronically filed the foregoing document(s) along with the Second Declaration of Samantha Kanner, the Declaration of Gail Bonicalzi, the redacted version of the Declaration of Melinda Hasegawa, the sealed unredacted versions of the Declaration of Melinda Hasegawa and Exhibit 1 and Proposed Order Granting Defendants' Motion to Seal with the Clerk of the Court using the CM/ECF E-Filing System, thus electronically serving counsel for City of Seattle Defendants and caused a copy of the same documents to be served on the following party via Regular USPS Mail:

Kyle Lydell Canty
DOC #401358
Washington Corrections Center
PO Box 900
Shelton, WA 98584

I certify under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 18th day of August, 2017.

/s/Lindsey Macalalad
LINDSEY MACALALAD
Legal Secretary